

**Original**

Peter W. Billings, A0330  
Gary E. Jubber, A1758  
FABIAN & CLENDENIN,  
A Professional Corporation  
215 South State, Suite 1200  
P.O. Box 510210  
Salt Lake City, Utah 84151  
Telephone: (801) 531-8900  
Facsimile: (801) 596-2814

Attorneys for Official Committee of  
Unsecured Creditors

---

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

In Re:	)	Bankruptcy Nos. 02-22906 GEC
	)	02-22907 GEC
SIMON TRANSPORTATION SERVICES	)	02-24874 GEC
INC., DICK SIMON TRUCKING, INC. and	)	(Chapter 11)
SIMON TERMINAL, LLC,	)	[SUBSTANTIVELY CONSOLIDATED]
	)	
Debtors.	)	Judge Glen E. Clark
	)	

---

**ORDER SUSTAINING UNSECURED CREDITORS' COMMITTEE OBJECTION TO  
PROOF OF CLAIM NO. 789 FILED BY THE STATE BOARD OF EQUALIZATION,  
STATE OF CALIFORNIA**

---

The Official Committee of Unsecured Creditors (the "Committee"), by and through its counsel, Fabian and Clendenin, filed its Application For Entry of Order Sustaining Unsecured Creditors' Committee Objection to Proof of Claim No. 789 filed by the State Board of Equalization, State of California, on November 4, 2003. The objection and a notice of hearing were properly served on interested parties on September 18, 2003. The notice of hearing

included a statement that in the absence of a timely response, the relief requested could be granted without a hearing. Based upon the objection, the lack of any response to the objection and the Committee's Ex Parte Application for Entry of Order, and good cause appearing

IT IS HEREBY ORDERED that,

1. The Committee's Objection to Proof of Claim No. 789 is sustained; and
2. Claim No. 789 filed by the State Board of Equalization, State of California is disallowed in its entirety.

DATED this 22 day of November, 2003.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Glen E. Clark", written over a horizontal line.

Honorable Glen E. Clark  
United States Bankruptcy Judge

**CLERK'S CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed,  
postage fully prepaid, this \_\_\_\_ day of November, 2003.

United States Trustee  
9 Exchange Place, Suite 100  
Salt Lake City, Utah 84111

Weston L. Harris  
Parsons Kinghorn Peters  
111 East Broadway, 11<sup>th</sup> Floor  
Salt Lake City, UT 84111

D. Scott Abel  
State Board of Equalization  
Special Procedures Section, MK:SS  
P.O. Box 942879  
Sacramento, CA 94279-0055

---